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The Honorable Analisa Torres  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Daily Harvest, Inc. and Rachel Drori v.  
Revive Organics, Inc., 20 Civ. 3087 (AT)**

Dear Judge Torres:

We represent defendant Revive Organics, Inc. (“Revive”) in the above-captioned matter. We write with the consent of counsel to plaintiffs to request (1) an adjournment of the Initial Pretrial Conference in this case, currently set for **August 6, 2020**, and (2) for the court to order the below proposed schedule for Plaintiffs Daily Harvest, Inc. and Rachel Drori to file an Amended Complaint by **September 21, 2020** and for Defendant’s response to the Amended Complaint by **October 21, 2020**.

This action was filed on April 16, 2020. On April 22, 2020, plaintiffs sent a request for waiver of service to Revive. Revive agreed to waive service, and plaintiffs filed the waiver of service on April 24, 2020 (ECF 7). Because Revive is located in Canada, the deadline for response to the complaint was set for July 21, 2020 (90 days from the notice).

The Court initially set the Initial Pretrial Conference for June 24, 2020. On June 3, 2020, the parties jointly requested an extension of the conference in light of ongoing settlement discussions between the parties that may obviate the need for a response to the complaint (ECF 15). The Court granted the request and moved the Initial Pretrial Conference to August 6, 2020 (ECF 16).

The parties continue to engage in settlement discussions that, if successful, may obviate the need for further litigation. The parties have made substantial progress and are cautiously optimistic that this matter can be resolved. The parties will promptly notify Your Honor if they are able to resolve this dispute amicably.

In the meantime, Plaintiffs have informed Defendant of their intention to amend the complaint to add claims for copyright infringement if settlement discussions are not successful. Plaintiffs are unable to file those amendments at this time because Plaintiffs have not yet received all of their copyright registration certificates from the Copyright Office (which is experiencing COVID-related delays). Plaintiffs expect to

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receive their registration certificates by mid-September. In light of these facts, the parties have conferred and respectfully request:

1. Plaintiffs' deadline to Amend the Complaint be set at September 21, 2020, with the understanding that this deadline may require further extension if the certificates of copyright registration are not received by September 21, 2020.
2. Defendant's deadline to respond to the Amended Complaint be set at October 21, 2020.
3. The initial pretrial conference be adjourned to some time after October 21, 2020, subject to the Court's availability.

This is the second adjournment of the initial pretrial conference and will be Plaintiffs' first amendment to the complaint. Because no discovery schedule has been set, these requests will not impact any other previously-scheduled dates.

Respectfully submitted,

*/s/ Megan K. Bannigan*

Megan K. Bannigan

cc: Margarita Wallach, Esq., counsel to plaintiffs

GRANTED in part, DENIED in part. Plaintiffs' deadline to amend the complaint is extended to **September 21, 2020**. By **October 21, 2020**, Defendant shall answer or otherwise respond to the complaint.

The initial pretrial conference scheduled for August 6, 2020 is not adjourned. Further adjournments of the conference will be granted only for good cause.

SO ORDERED.

Dated: July 17, 2020

New York, New York



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ANALISA TORRES  
United States District Judge